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S E C R E T KUWAIT 000215

SIPDIS

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DEPT FOR NEA/ARPI, S/WCI, L; RIYADH FOR LEGATT

E.O. 12958: DECL: 01/10/2015

TAGS: [PTER](#) [PREL](#) [KAWC](#) [PGOV](#) [KU](#) [IZ](#)

SUBJECT: KUWAIT MFA ON DETAINEES: IF WE CAN'T HAVE THEM
BACK, JUST TELL US WHERE THEY ARE

REF: A. 04 STATE 274686 (NOTAL)

[B](#). 04 BAGHDAD 1236

[C](#). 04 KUWAIT 3369

[D](#). 04 KUWAIT 2900

[E](#). 04 KUWAIT 1928

Classified By: Ambassador Richard LeBaron. Reasons: 1.4 (b) and (d)

[1](#). (U) This is an action request. See para 4.

[2](#). (S/NF) Pol Chief delivered January 8 background on the 12 Kuwaitis detained at Guantanamo (ref a) to Ambassador Khalid Al-Maqamis, MFA Director of Coordination and Follow Up. Al-Maqamis welcomed the information and confirmed that preparations were underway for the repatriation of detainee Nasser Najeri Amtiri (US9KU-000205DP). He again asked that the U.S. release to the GOK the remaining detainees, complaining that other detainees had been returned to governments whose relations were not as strong and supportive as the U.S.-Kuwait relationship. He disputed the detainees would resort to terror if released from Guantanamo, repeating the now familiar refrain, "We know who they are and we know their families." Al-Maqamis also asserted that the agreement permitting the return of Amtiri also applied to the other 11, and said the GOK would detain and prosecute any detainee returned to Kuwait. (Note: PM Shaykh Sabah made the same statement to the Ambassador January 8 and to Deputy Secretary Armitage and Secretary Rumsfeld in late 2004. Post is not aware of any blanket agreements on detainee transfers, although the GOK position appears to be that its diplomatic notes on the transfer of Amtiri and on charges facing Adel Zamil Abdul Mohsin Al-Zamil (ref c), both of which insist that the GOK will take appropriate legal measures against repatriated detainees, apply to all Kuwaitis in U.S. custody. Additionally, Al-Maqamis maintains that that agreement was reached on domestic legal action against detainees with Ambassador Prosper. Post notes and reporting do not support this contention, and we welcome any input from the Department on this point. End Note.)

[3](#). (S/NF) Al-Maqamis also raised the case of Abdelraham Al-Bathali (also Abd-Al-Rahman Mubarak Mishkis), reporting that Al-Bathali's father claims the young man has been released from Abu Ghraib. He added that Iraqi Human Rights Minister Bakhtiar Amin recently informed the GOK of Al-Bathali's release and advised him of the detention of two other Kuwaitis. Based on information provided in ref b, Post has previously and informally confirmed to the GOK Al-Bathali's detention. We have no definitive information on his present status and receive updates from the IIG and ICRC by way of the GOK.

[4](#). (S/NF) Action Requested: Please provide Post with information of the status of Al-Bathali that can be released to the GOK. We seek background on his arrest, which agency is responsible for his detention, any transfers to other facilities in Iraq, and whether he is likely to be released in the near term. Please also provide information on any other Kuwaiti nationals currently detained in Iraq.

[5](#). (S/NF) Comment: Although GOK officials regularly raise the status of incarcerated Kuwaiti nationals with emboffs, given the six months it has taken for the repatriation of Amtiri, there is not a real sense of urgency for the return of these criminals. The real problem is public relations. Al-Bathali's father and attorneys for the Gitmo 12 excel at keeping the story in the press. There is also mounting pressure from conservative Members of Parliament on the GOK to do more for its nationals. Al-Maqamis informed Pol Chief that he has been summoned several times to explain to MPs on the Human Rights Committee why the MFA has failed to obtain from the U.S. information on detained Kuwaitis. Our inability to provide accurate information on Al-Bathali is particularly unfortunate since Parliament will soon consider matters of importance to the U.S., including an Article 98 agreement and debt relief for Iraq. We will continue to face criticism from several Islamists in Parliament, but it would help the GOK to help us if we could answer the mail on Al-Bathali. End Comment.

[6](#). (U) Baghdad: Minimize Considered.

